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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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SECRETARY OF STATE

JASON KANDER

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT

SALLY L. REID

ASSOCIATE EDITOR

DELANE JACQUIN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

SPECIALIST

MICHAEL C. RISBERG

•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 15—ELECTED OFFICIALS

Division 50—Treasurer

Chapter 4—Missouri Higher Education Savings Program

EMERGENCY AMENDMENT

15 CSR 50-4.030 Missouri MOST 529 Matching Grant Program.
This emergency amendment amends subsection (5)(E).

PURPOSE: This amendment removes the reference to the enrollment period of March 1 to June 30 of each year for the Missouri MOST 529 Matching Grant Program and allows for the Missouri Higher Education Savings Program Board to set a different enrollment period.

EMERGENCY STATEMENT: This emergency amendment removes a reference to the period of March 1 to June 30 as the enrollment period for the Missouri MOST 529 Matching Grant Program and allows the Missouri Higher Education Savings Program Board to set a different enrollment period. The Missouri MOST 529 Matching Grant Program began in 2012 and is funded through a limited grant of five hundred thousand dollars (\$500,000) provided by Upromise Investments, program manager of MOST. The program is designed to last for four (4) years and provides a dollar for dollar match to funds contributed to a plan account up to five hundred dollars (\$500) in a given year. Because funds are limited, applications are approved on a first-come, first-served basis. Funds contributed during the calendar year of a year an application is approved are matched. For exam-

ple, for an application which was approved during the 2012 application period, funds contributed to the plan account from January 1, 2012 to December 31, 2012, are matched and the grant funds are provided in January 2013. For its first year, the Missouri MOST 529 Matching Grant Program received an overwhelming response. In 2012, during the enrollment period of March 1, 2012 to June 30, 2012, over two thousand one hundred (2,100) applications were received by Upromise. By the end of August 2012, the applications were reviewed and over one thousand nine hundred (1,900) of them qualified for the program. In December of 2012, after contributions for the plan accounts (which are to be matched in an amount up to five hundred dollars (\$500)) were complete, it became clear that the Missouri MOST 529 Matching Grant Program would not be able to fund a majority of the applications received during the March 1 to June 30 enrollment period. For this reason, the Missouri Higher Education Savings Program Board would like to amend the current administrative rule to allow the board to shorten the enrollment period for applications beginning in year 2013. This emergency amendment is necessary to preserve a compelling governmental interest because it will allow the Missouri Higher Education Savings Program Board to shorten the enrollment period to restrict the time in which applicants may apply for the Missouri MOST 529 Matching Grant Program to more effectively and efficiently manage the program. If this emergency rule is not enacted, the enrollment period for the Missouri MOST 529 Matching Grant Program will continue to be too long and will create a burden in the administration of the program. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Current account owners will be notified of the change in enrollment period through direct mail in their quarterly statements and through an amendment to the plan description which governs the MOST 529 plan. The change in enrollment period will also be communicated to existing account owners and to the public through press releases regarding the Missouri MOST 529 Matching Grant Program and on the websites for MOST and for the Missouri State Treasurer's Office. The Missouri Higher Education Savings Program Board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed January 23, 2013, becomes effective February 2, 2013, and expires July 31, 2013.

(5) Application Requirements.

(E) Applicants must submit a matching grant application during the enrollment period [of March 1 to June 30 of each year] as set by the board.

AUTHORITY: section 166.415, RSMo Supp [2011] 2012. Emergency rule filed April 5, 2012, effective April 15, 2012, expired Jan. 23, 2013. Original rule filed April 5, 2012, effective Oct. 30, 2012. Emergency amendment filed Jan. 23, 2013, effective Feb. 2, 2013, expires July 31, 2013. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN Division 10—Health Care Plan Chapter 2—State Membership

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director hereby terminates an

emergency amendment effective February 27, 2013, as follows:

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1440-1441).

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, and section 103.078, RSMo Supp. 2012, the director hereby terminates an emergency rule effective February 27, 2013, as follows:

22 CSR 10-2.110 General Foster Parent Membership Provisions is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1441-1446).

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director hereby terminates an emergency rule effective February 27, 2013, as follows:

22 CSR 10-2.120 Wellness Program is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1446-1448).

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 7—Transportation**

PROPOSED RULE

7 CSR 10-7.020 Definitions for Missouri State Transit Assistance Program

PURPOSE: This rule defines terms applicable to the Missouri State Transit Assistance Program and used in 7 CSR 10-7.020 through 7 CSR 10-7.030.

(1) Definitions. When used in administrative rules 7 CSR 10-7.020 through 7 CSR 10-7.030, the following words and phrases have the meaning set forth in this rule:

(A) Agency—a Missouri non-profit corporation eligible to receive

directly or indirectly Federal Transit Administration urban or nonurban formula funding, or a governmental entity within the state of Missouri eligible to receive directly or indirectly Federal Transit Administration urbanized or nonurbanized formula transit programs;

(B) Available alternative public transportation—description of public transit services provided in terms of days of the week and hours of the day within an applicant's public mass transportation service area;

(C) Capital costs—expenses incurred from the purchase of facilities, vehicles, or equipment directly supporting the provision of public mass transportation service within Missouri;

(D) Commission—the Missouri Highways and Transportation Commission;

(E) Department—the Missouri Department of Transportation;

(F) Cost efficiency—measures of economical public mass transit services as calculated by dividing the annual operating costs by the annual transit vehicle miles traveled or by dividing the annual operating costs by the annual number of boarding passengers;

(G) Intrastate Transportation Authority—county first class transit authority as defined in section 238.400, RSMo;

(H) Public mass transportation service provider—a city, a city transit authority, a city utilities board, or an interstate transportation authority as such terms are defined in section 94.600, RSMo, an intrastate transportation authority, or an agency receiving funds from either the Federal Transit Administration urbanized or nonurbanized formula transit programs;

(I) Operating costs—expenses incurred in the delivery, maintenance, and administration of public mass transportation service within Missouri;

(J) Past and projected public mass transportation ridership—annual transit vehicle boardings in Missouri by passengers of public mass transit services, also known as unlinked passenger trips;

(K) Public mass transportation service area population—census population within the geographic area in which the applicant provides public mass transportation service; and

(L) U.S. census urbanized area—a contiguous geographic area with a population of fifty thousand (50,000) persons or more that is designated as such by the Bureau of the Census of the United States Department of Commerce.

AUTHORITY: section 226.195, RSMo Supp. 2012. Original rule filed Jan. 18, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 7—Transportation**

PROPOSED RULE

7 CSR 10-7.030 Distribution of Funds Appropriated to the Missouri State Transit Assistance Program

PURPOSE: This proposed rule establishes procedures for the distribution of funds appropriated to the Missouri State Transit Assistance Program under section 226.195, RSMo.

(1) Applicants shall complete and submit to the commission a Missouri State Transit Assistance Application for the commission to make its determination of eligibility for the distribution of state financial assistance under the Missouri State Transit Assistance Program. The Missouri State Transit Assistance Application is available on the department's website at <http://www.modot.org/othertransportation/transit/transitapplicationsreportsprograms.htm>.

(2) Criteria. The following criteria will be used to distribute state financial assistance to eligible public mass transportation service providers under section 226.195, RSMo:

(A) Eligibility.

1. Applicant shall be a mass transportation service provider and shall be one (1) of the following:

- A. A city;
- B. A city transit authority;
- C. A city utilities board;
- D. An interstate transportation authority as such term is defined in section 94.600, RSMo;
- E. An intrastate transportation authority; or
- F. An agency receiving funding, either directly or as a sub-recipient, from either the Federal Transit Administration urbanized or nonurbanized formula transit programs.

2. Applicant shall show that it will incur operating or capital costs to provide public mass transportation service in Missouri; and

(B) Distribution of state financial assistance shall be made on the basis of population, ridership, cost and efficiency of the public mass transportation service provider's program, availability of alternative public transportation in the service area, and local effort or tax support. The commission will determine the allocation of state transit assistance funding to urbanized areas and the allocation to other than urbanized areas.

1. For applicants providing public mass transportation services in U.S. Census urbanized areas with a population of fifty thousand (50,000) persons or greater, the distribution of state financial assistance will be made on the basis of relative point scores determined by the following factors: three- (3-) year average of Missouri ridership (maximum twenty-four and one-half (24.5) points); public mass transportation service area population in Missouri (maximum twenty-four and one-half (24.5) points); annual operating cost of the Missouri portion of the program (maximum twenty-four and one-half (24.5) points); efficiency of the program (maximum one (1) point); availability of alternative public transportation in the public mass transportation service area (maximum one (1) point); and local effort or tax support (maximum twenty-four and one-half (24.5) points); and

2. For applicants providing public mass transportation in areas other than U.S. Census urbanized areas, the distribution of state financial assistance will be made on the following basis of relative point scores determined by the following factors: public mass transportation service area population in Missouri (maximum forty-nine (49) points); three- (3-) year average of Missouri ridership (maximum ten (10) points); annual operating cost of the Missouri portion of the program (maximum twenty-nine (29) points); efficiency of the program (maximum one (1) point); availability of alternative public transportation in the public mass transportation service area (maximum one (1) point); and local effort or tax support (maximum ten (10) points).

(3) Applications, Awards, and Disbursements.

(A) Applications will be accepted each year.

(B) Applications will be processed each year. The commission will review the applications. The commission will use the information in the application as well as the other documentation required by this

rule to determine if the application is approved. The commission reserves the right to request additional information. The commission may deny funding as a result of applicant's failure to fully and accurately complete the application.

(C) Announcements of financial assistance to applicants will be made each year.

(D) Awards will be made for a period of twelve (12) months. Disbursements will be made monthly on a reimbursable basis. The commission will review and approve the expenditures on the invoices.

(E) All commission determinations under this rule including, but not limited to, approval or disapproval of applications, the amount of distributed state assistance, and all other determinations are final and not subject to appeal.

(4) Information. Information regarding the Missouri State Transit Assistance Program may be obtained from the transit section in the Multimodal Operations Division, 105 West Capitol Avenue, PO Box 270, Jefferson City, MO 65102, (573) 751-2523.

AUTHORITY: section 226.195, RSMo Supp. 2012. Original rule filed Jan. 18, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.260 Occupational Licenses for Class A, Class B, Suppliers and Affiliate Suppliers. The commission is amending section (1).

PURPOSE: This amendment specifies duties of the director with regard to occupational licenses.

(1) Every person in a position classified as Occupational License Level I or Occupational License Level II or otherwise participating in gaming operations in any capacity shall, prior to performing or practicing his/her business profession or skills, be a current employee of the Class A, Class B, supplier, or affiliate supplier licensee, and have obtained the appropriate occupational license from the commission, except for public officers and public employees engaged in the performance of their official duties and other individuals exempted by the commission. The commission may authorize the director to license or make the initial determination of unsuitability on the application of any Level II occupational license applicant, **and the commission may further authorize the director to make the initial determination to revoke or suspend the Level I or Level II occupational license of any person;** provided, however, that this section shall not limit any other authorization of the director. The authorization provided hereunder shall not include the authority to

review findings of a hearing officer under the provisions of 11 CSR 45-13.

AUTHORITY: section 313.004, RSMo 2000, and section 313.805, RSMo Supp. 2012. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2012, effective March 30, 2013. Amended: Filed Jan. 31, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for April 10, 2013, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization

PROPOSED AMENDMENT

12 CSR 30-3.065 Appraisal Evidence. The commission is amending the purpose statement and section (2) by clarifying the requirements of personal property appraisal reports.

PURPOSE: This amendment sets forth the requirements of personal appraisal reports used as evidence in tax commission hearings in compliance with *Missouri Revised Statutes*.

PURPOSE: This rule describes the [suggested] content and guidelines for the composition of appraisal reports as exhibits and is consistent with sections 137.122 and 339.500 to 339.549, RSMo, which limit who may provide real and personal property appraisal services for a fee in hearings before the State Tax Commission and the requirements of an appraisal report used as evidence at a State Tax Commission hearing.

(2) As used in this rule, an appraisal report for personal property should, at a minimum, conform to Uniform Standards of Professional Appraisal Practice (USPAP) requirements for a summary appraisal[.], must be a narrative report, and must contain the following elements:

(A) A description of the property, including a complete inventory of all personal property being valued;

(B) Original cost of each item;

(C) The class life of each item as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the *Internal Revenue Code* as amended; and

(D) The value of each item by applying the class life and recovery period to the original cost of the property according to the standardized schedule of depreciation as set forth in section 137.122, RSMo.

AUTHORITY: sections 137.122.4, 138.430, and 138.431, RSMo [2000] Supp. 2012. Original rule filed Aug. 23, 1995, effective Jan. 30, 1996. Amended: Filed March 30, 1999, effective Oct. 30, 1999. Amended: Filed Dec. 29, 2005, effective Aug. 30, 2006. Amended: Filed Jan. 17, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 4—Missouri Higher Education Savings Program

PROPOSED AMENDMENT

15 CSR 50-4.030 Missouri MOST 529 Matching Grant Program. This amendment amends subsection (5)(E).

PURPOSE: This amendment removes the reference to the enrollment period of March 1 to June 30 of each year for the Missouri MOST 529 Matching Grant Program and allows for the Missouri Higher Education Savings Program Board to set a different enrollment period.

(5) Application Requirements.

(E) Applicants must submit a matching grant application during the enrollment period [of March 1 to June 30 of each year] as set by the board.

AUTHORITY: section 166.415, RSMo Supp. [2011] 2012. Emergency rule filed April 5, 2012, effective April 15, 2012, expired Jan. 23, 2013. Original rule filed April 5, 2012, effective Oct. 30, 2012. Emergency amendment filed Jan. 23, 2013, effective Feb. 2, 2013, expires July 31, 2013. Amended: Filed Jan. 23, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Higher Education Savings Program Board, c/o Missouri State Treasurer Clint Zweifel, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 11—Missouri Plant Law Quarantines**

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under sections 263.040, 263.050, 263.130, 263.140, and 263.180, RSMo 2000, the director adopts a rule as follows:

**2 CSR 70-11.070 Pine Shoot Beetle Intrastate Quarantine
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2012 (37 MoReg 1640-1642). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below on or before March 15, 2013.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below by any of the following methods:

- *Email:* jeffrey.payne@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Payne, Motor Carrier Specialist, (573) 751-7114, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2012, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #6603

New Applicant's Name & Age: John Edward Duchon, 57

Relevant Physical Condition: Vision Impairment.

Mr. Duchon has uncorrected visual acuity of 20/15 Snellen in his left eye and is blind in his right eye. The visual impairment has been present since sustaining an injury to his right eye in 2008.

Relevant Driving Experience: Mr. Duchon has been driving for more than forty (40) years and is currently driving a non-CDL vehicle for Missouri American Water. In addition, he has recently obtained a Missouri CDL Permit (Class A) and has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in October 2012, a board-certified ophthalmologist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #6623

New Applicant's Name & Age: Daniel Jay Vanderveld

Relevant Physical Condition: Insulin-treated diabetes mellitus (IDTM). Mr. Vanderveld has a corrected visual acuity of 20/20 Snellen in each eye. He has been IDTM since 1997, with no glycemic reaction within the past five (5) years.

Relevant Driving Experience: Mr. Vanderveld has been driving commercial vehicles for thirty (30) years. He is employed as a driver by WCA Waste Corporation. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2013, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: Mr. Vanderfeld has two (2) traffic violations and no accidents on record for the previous three (3) years.

Application #6583

Renewal Applicant's Name & Age: Ronald Keith Dunnivant, 45

Relevant Physical Condition: Vision Impairment.

Mr. Duannivant has corrected visual acuity of 20/30 Snellen in his right eye and corrected visual acuity of 20/200 in his left eye. The visual impairment in his right eye is a result of congenital strabismic amblyopia.

Relevant Driving Experience: Mr. Duannivant has been employed with Ameren UE since 2002 and drives vehicles to and from job sites daily. He currently holds a valid SPE Certificate, and he is applying for a renewal.

Doctor's Opinion & Date: Following an examination in January 2013, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: January 31, 2013

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 140—Division of Energy Chapter 2—Energy Set-Aside Fund

IN ADDITION

Notification: Applications accepted between March 1, 2013, and August 31, 2013, for Energy-Efficiency and Renewable Energy Loan Cycle.

The Missouri Department of Natural Resources' (department) Division of Energy provides loan financing for energy-saving investments such as insulation, lighting systems, heating and cooling systems, renewable energy systems, and other measures that reduce energy use and cost.

Loan recipients repay the loan with money saved on energy costs as a result of implementing energy efficiency and renewable energy projects. An energy-saving loan is not defined as debt and therefore does not count against debt limits or require a public vote or bond issuance.

Application Procedures: The department is making available approximately \$5 million in loan financing for qualified energy efficiency and renewable energy projects.

To apply for a loan, eligible entities must submit a completed application form to the department during the open application cycle. The department may request additional information as needed to determine the feasibility of a project and the financial risk of the proposed loan transaction. Applicants must have no outstanding actions for violations of applicable federal, state, or local laws, ordinances, and rules.

Each applicant may apply for a loan not to exceed five hundred thousand dollars (\$500,000). Loan applications below five thousand dollars (\$5,000) will not be considered.

If funds remain after review and priority ranking of applications, the department will consider awarding loans in excess of five hundred thousand dollars (\$500,000).

Eligible Energy-Using Sectors: Loan funds will be allocated to eligible energy-using sectors as follows:

Public Schools (K-12): thirty percent (30%) of available funds;
City and County Governments: thirty percent (30%) of available funds;
Public and Private Higher Education Institutions: twenty percent (20%) of available funds; and
Public and Private not-for-profit Hospitals: twenty percent (20%) of available funds.

Interest Rates: Loan principal plus two and one-half percent (2.5%) interest is to be repaid to the department in semi-annual payments not to exceed a ten- (10-) year repayment period. An administrative fee of one percent (1%) of loan principal will be added to the repayment amount.

Selection Criteria: Recipients of loan financing will be determined on a competitive basis. Applications will be ranked based on the project's payback score, which is determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. If all funds are not allocated in any one (1) sector after ranking payback scores, the department may allocate funds to other sectors. Loan agreements will be awarded by October 31, 2013.

For More Information Contact:

Website: <http://www.dnr.mo.gov/energy/financial/loan.htm>

1-800-361-4827

Missouri Department of Natural Resources
Division of Energy
Attention: Loan Clerk
PO Box 176
Jefferson City, MO 65102-0176

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN ADDITION

Pursuant to section 376.1224, RSMo, regarding the maximum prescribed insurance benefit for the coverage of applied behavior analysis

for the treatment of autism, the Director of Insurance, Financial Institutions and Professional Registration is required to calculate the new maximum each year to adjust for inflation.

Using Consumer Price Index (CPI) for All Urban Consumers, as required by section 376.1224, RSMo, the new maximum required benefit was established by the following calculations:

Index Based on 1984 Dollars	
CPI for 2011	224.939
CPI for 2012	229.594


New ABA Mandated Maximum Benefit = 2012 Limit \times (2012 Index/2011 Index)

$$\$41,263 \times (229.594/224.939) = \$42,117$$

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to David E. Mollohan, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. David E Mollohan including M & D Excavating or (3) to any other simulation of Mr. David E Mollohan or of M & D Excavating for a period of one year, or until January 10, 2014.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
David E. Mollohan d/b/a M & D Excavating Case No. 11WR-CR00453 Wright County Cir. Ct.		1448 Kaylor Road Mountain Grove, MO 65711	1/10/2013	1/10/2013-1/10/2014


Robert A. Bedell, Acting Division Director

Dated this 28th day of January, 2013.